

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Regional Fire Protection Agency Act.

6 Section 5. Purpose and creation.

7 (a) Purpose. The General Assembly finds the consolidation
8 of fire protection services on a regional basis provided by
9 fire departments throughout the State of Illinois to be an
10 economic benefit. Therefore, this Act establishes procedures
11 for the creation of Regional Fire Protection Agencies that
12 encompass wider service areas by combining existing fire
13 departments and extending service areas of these departments
14 into under-served geographic areas. It is the expressed intent
15 of the General Assembly that Regional Fire Protection Agencies
16 shall achieve a net savings in the cost of providing fire
17 protection services, emergency medical services, and related
18 services in the expanded service area by reducing and
19 eliminating costs including, but not limited to, duplicative or
20 excessive administrative and operational services, equipment,
21 facilities, and capital expenditures, without a reduction in
22 the quality or level of these services.

23 (b) Creation. A Regional Fire Protection Agency may be

1 formed by filing voter-initiated petitions for the purposes of
2 integrating existing service areas of contiguous units of local
3 government providing fire protection services to achieve the
4 purposes of this Act.

5 Section 7. Application.

6 This Act does not apply to any unit of local government
7 that has entered into a consolidation agreement with one or
8 more units of local government that includes the consolidation
9 of the delivery of fire protection or emergency medical
10 services under a single chain of command. Additionally, this
11 Act does not apply to any unit of local government that has
12 adopted a resolution declaring the intent to consolidate the
13 delivery of fire protection or emergency medical services under
14 a single chain of command with one or more units of local
15 government. The resolution shall exempt the local government
16 from the provisions of this Act for one year following its
17 passage. The existence of an automatic aid agreement or mutual
18 aid agreements does not constitute a consolidation for the
19 purposes of this Section.

20 Section 10. Definitions. The definitions in this Section
21 apply throughout this Act unless the context clearly requires
22 otherwise:

23 "Board" means the governing body of a Regional Fire
24 Protection Agency.

1 "Fire protection jurisdiction" means a fire protection
2 district, municipal fire department, or service organized
3 under Section 5-1056.1 of the Counties Code, Sections 195 and
4 200 of the Illinois Township Code, Section 10-2.1 of the
5 Illinois Municipal Code, or the Illinois Fire Protection
6 District Act.

7 "Joint Committee" means the group consisting of the parties
8 appointed by the court in accordance with the procedures of
9 this Act after a petition has been filed to create a Regional
10 Fire Protection Agency. The Joint Committee meets for the
11 limited purpose of negotiating the terms of an
12 intergovernmental agreement to create and implement a Regional
13 Fire Protection Agency.

14 "Property Tax" or "Tax" has the same meaning as the term
15 "Tax", as defined in Section 1-145 of the Property Tax Code.

16 "Regional Fire Protection Agency" or "Agency" means a fire
17 protection organization formed pursuant to this Act that
18 combines 2 or more units of local government with a unified
19 command and operations that has boundaries that are coextensive
20 with 2 or more adjacent units of local government and has been
21 created by a referendum under this Act.

22 "Special Mediator" means an individual who possesses the
23 qualifications specified in this Act and shall facilitate the
24 negotiation of an intergovernmental agreement to create a
25 Regional Fire Protection Agency.

1 Section 15. Elections and referenda. When a referendum is
2 submitted under this Act for approval or rejection by the
3 electors, the time and manner of conducting a referendum,
4 including petition signature requirements, shall be in
5 accordance with the general election law of the State. The
6 creation of any Regional Fire Protection Agency by referendum
7 shall be secured by an intergovernmental agreement that
8 includes terms that meet the standards set forth in Section 25
9 of this Act.

10 Section 20. Notice to the Office of the State Fire Marshal.

11 The Office of the State Fire Marshal shall be served notice
12 as to any plans of 2 or more units of local government to
13 combine fire protection or emergency medical services, or both,
14 as follows:

15 (1) Whenever a county clerk or other election authority
16 places upon a ballot the question of creating or altering
17 an Agency or fire protection jurisdiction, the clerk or
18 other election authority shall notify the Office of the
19 State Fire Marshal that the proposition is to be put before
20 the electorate. The notice shall be sent to the Office of
21 the State Fire Marshal within 10 business days after the
22 question is certified to the clerk or other election
23 authority.

24 (2) Whenever the governing bodies of 2 or more adjacent
25 fire protection jurisdictions conduct a public hearing to

1 consider a plan to combine 2 or more fire protection
2 jurisdiction service areas by intergovernmental agreement,
3 the clerk of each unit of local government to be party to
4 such an intergovernmental agreement shall notify the
5 Office of the State Fire Marshal that the units of local
6 government are considering such a plan. The notice shall be
7 sent to the Office of the State Fire Marshal within 10
8 business days after notice of the meeting is published.

9 (3) Whenever the governing bodies of 2 or more adjacent
10 fire protection jurisdictions enter into an agreement to
11 combine 2 or more fire protection jurisdiction service
12 areas by intergovernmental agreement, the clerk of each
13 unit of local government to be party to such an
14 intergovernmental agreement shall notify the Office of the
15 State Fire Marshal that the units of local government have
16 entered into the intergovernmental agreement. The notice
17 shall be sent to the Office of the State Fire Marshal
18 within 10 business days after notice of the meeting is
19 published.

20 Section 25. Creation of an Agency by petition and
21 referendum.

22 (a) Petition. A Regional Fire Protection Agency may
23 exclusively be formed upon petition signed by the lesser of:
24 (i) at least 8% of the total votes cast for candidates for
25 Governor in the preceding gubernatorial election in each of the

1 units of local governments included in the Regional Fire
2 Protection Agency; or (ii) at least 500 legal voters in each of
3 the units of local government to be included in the Regional
4 Fire Protection Agency. The petition shall be filed in the
5 circuit court of the county in which the greater part of the
6 land of the proposed Regional Fire Protection Agency shall be
7 situated. The petition shall set forth the names of the units
8 of local government proposed to be included, the name of the
9 proposed Regional Fire Protection Agency, the benefits of
10 consolidating the units of local government within a Regional
11 Fire Protection Agency, the names of the representatives of the
12 petitioners from each unit of local government who shall be
13 authorized to serve on the Joint Committee, and up to 3
14 alternate representatives from each unit of local government in
15 the event a designated representative ceases to be an elector
16 of their jurisdiction or resigns from the Joint Committee. Upon
17 its filing, the petition shall be presented to the court, and
18 the court shall fix the date and hour for a hearing.

19 (b) Notice of Hearing. Upon the filing of the petition, the
20 court shall set a hearing date that is at least 4 weeks, but
21 not more than 8 weeks, after the date the petition is filed.
22 The court, clerk, petitioner's counsel, or sheriff shall, upon
23 order of the court, give notice 21 days before the hearing in
24 one or more daily or weekly newspapers of general circulation
25 in each county where an affected unit of local government is
26 organized. The notice must describe the units of local

1 government to be included and shall state that if the
2 conditions required by this Section are met, then the
3 proposition for the creation of the Agency shall be submitted
4 to the voters of the units of local government in the proposed
5 Agency by order of the court.

6 (c) Hearing and referendum. At the hearing, the court shall
7 first determine whether the petition is supported by the
8 required number of valid signatures of legal voters within the
9 contiguous units of local government. If the petition is
10 proper, then the court shall remand the matter to a Special
11 Mediator who shall mediate the negotiations regarding the terms
12 of an intergovernmental agreement by the members of the Joint
13 Committee as provided in subsection (d) of this Section. The
14 Special Mediator shall be a member of the bar of the State of
15 Illinois or a member of the faculty of an accredited law
16 school. The Special Mediator shall have practiced law for at
17 least 7 years and be knowledgeable about municipal, labor,
18 employment, and election law. The Special Mediator shall be
19 free of any conflicts of interest. The Special Mediator shall
20 have strong mediation skills and the temperament and training
21 to listen well, facilitate communication, and assist with
22 negotiations. Special Mediators shall have sufficient
23 experience and familiarity with municipal, labor, employment,
24 and election law to provide a credible evaluation and
25 assessment of relative positions. The Special Mediator
26 assigned to mediate the Joint Committee's negotiations shall be

1 selected by the members of the Joint Committee from a panel of
2 7 individuals provided by the Joint Labor Management Committee,
3 as it is defined in Section 50 of the Fire Department Promotion
4 Act. The panel shall be randomly selected by the Joint Labor
5 Management Committee from a master list maintained by the Joint
6 Labor Management Committee consisting of at least 14 qualified
7 Special Mediators. If the members fail to agree, the court
8 shall appoint the Special Mediator. The Joint Committee may
9 elect to conduct negotiations without the assistance of the
10 Special Mediator upon a majority vote of the Joint Committee.
11 To certify a question for referendum, the court must find that:
12 (i) based upon a preponderance of the evidence, at least 2 of
13 the 3 Joint Committee representatives appointed by the court
14 for each unit of local government included in the proposed
15 Agency have executed an intergovernmental agreement that
16 includes terms that are in compliance with the requirements
17 under subsection (d) of this Section; (ii) the terms of an
18 agreed-upon intergovernmental agreement have been approved by
19 the requisite governing bodies of each of the units of local
20 government; and (iii) should the terms of an agreed-upon
21 intergovernmental agreement change the terms of the collective
22 bargaining agreement for a bargaining unit of employees of any
23 local unit of government of the proposed Regional Fire
24 Protection Agency, any affected collective bargaining units
25 must also approve all such changes in the terms of the
26 collective bargaining agreement.

1 (d) Joint Committee. The court shall allow appointments to
2 the Joint Committee as follows:

3 (1) A representative of each unit of local government
4 included within the proposed service area of the proposed
5 Agency.

6 (2) A representative of each collective bargaining
7 unit that is a party to a collective bargaining agreement
8 with a unit of local government to provide fire suppression
9 or emergency medical services, or both, included within the
10 proposed Agency.

11 (3) A representative for the petitioners from each unit
12 of local government included within the proposed Agency, as
13 designated by the petition, or, if none are designated or
14 willing to serve, then chosen by the court from among the
15 legal voters that signed the petition.

16 (e) Joint Committee Negotiations. After remand, the
17 Special Mediator shall schedule a meeting of the Joint
18 Committee and facilitate the members in negotiating the terms
19 of an intergovernmental agreement. The first order of business
20 shall be to establish a financial baseline for the current
21 costs of fire and emergency medical services provided by the
22 units of local government party to the Joint Committee. To this
23 end, each unit of local government party to the Joint Committee
24 shall disclose to the Joint Committee the total aggregate
25 expenditures it allocates for providing all fire, rescue, and
26 emergency medical services. These expenditures shall include,

1 but are not limited to, the following cost factors: (i) all
2 expenses from the corporate fund and other operational funds
3 related to fire protection services, whether direct or
4 indirect, for the current fiscal year; and (ii) all costs,
5 whether direct or indirect, paid from other funds, including,
6 but not limited to, capital or building funds, pension funds,
7 workers' compensation funds, health insurance funds,
8 enterprise funds, administrative funds, and all other funds
9 from which money is, or may be, paid or transferred to pay for
10 the administration and compensation or benefits for employees
11 or persons assigned to provide fire or emergency medical
12 services or related services, equipment, and buildings and
13 their maintenance or operation and debt service for any
14 expenditures related to these or related cost factors.

15 The Special Mediator or the court, or both if necessary,
16 shall facilitate the computation and production of this
17 financial baseline unless the Joint Committee elects to conduct
18 negotiations without the assistance of the Special Mediator.
19 The financial baseline shall serve as the predicate to: (i) the
20 annual contributions to be made by each unit of local
21 government to the costs of providing fire and emergency medical
22 services to the service area established for the proposed
23 Regional Fire Protection Agency; and (ii) for the court's
24 findings pursuant to subsection (f) of this Section.

25 The Joint Committee may take note or give due consideration
26 to available resources, studies, and plans that may facilitate

1 the resolution of issues relating to the terms of an agreement.
2 Negotiations may continue for a period of 90 days or, if the
3 court determines that additional time will facilitate
4 agreement, longer.

5 If no agreement is reached, the court shall dismiss the
6 petition. If an agreement is reached, the court shall schedule
7 an evidentiary hearing with notice to determine if the terms of
8 the agreement are in compliance with the requirements of
9 subsection (f) of this Section. The expenses of the Special
10 Mediator shall be apportioned equally among the included units
11 of local government unless the parties agree otherwise in the
12 intergovernmental agreement.

13 If the intergovernmental agreement has been approved by the
14 governing bodies of at least 2 units of local government
15 included in the original petition, then the petition may
16 proceed, provided that the agreement is also executed by at
17 least 2 of 3 Joint Committee representatives from each affected
18 unit of local government included in the original petition. The
19 units of local government that did not consent to inclusion
20 shall be dismissed, and an amended petition on behalf of the
21 consenting units of local government shall be scheduled for an
22 evidentiary hearing.

23 The persons or entities, or their duly authorized
24 representatives, that shall have standing to present evidence
25 at the hearing are the petitioners, the units of local
26 government that sought to be included in the proposed Agency,

1 and the representatives of each collective bargaining unit that
2 is a party to a collective bargaining agreement with a fire
3 protection jurisdiction within a unit of local government
4 included within the proposed Agency.

5 If the court finds, by a preponderance of the evidence,
6 that the petition is supported by a proper intergovernmental
7 agreement, the court shall enter an order certifying the
8 proposition to the proper election officials, who shall submit
9 the question of the creation of the proposed Agency to the
10 legal voters of each included unit of local government at the
11 next election. Notice of the election shall be given and the
12 election conducted in the manner provided by the general
13 election law. The notice shall state the boundaries of the
14 proposed Agency.

15 The question shall be submitted in substantially the
16 following form:

17 Shall the service areas of (names of existing units of
18 local government to be combined) be combined to create the
19 (name of the Regional Fire Protection Agency)?

20 Responses shall be recorded as "Yes" or "No".

21 A written statement of the election results shall be filed
22 with the court. If, in each unit of local government included
23 within the boundaries of the Regional Fire Protection Agency, a
24 majority of the voters voting on the question favor the
25 proposition, then the court shall issue an order stating that
26 the Agency has been approved.

1 (f) Intergovernmental agreement; minimum standards of
2 service. The terms of the intergovernmental agreement shall
3 ensure that all of the following standards of service are met:

4 (1) The formation of the Agency shall result in no net
5 increase in the cost of fire protection services and
6 emergency medical services to the units of local government
7 in the proposed Agency due to the reduction or elimination
8 of duplicative administrative costs, operational costs,
9 equipment costs, or capital expenditures unless members of
10 the Joint Committee can demonstrate that an increase in the
11 cost to a participating unit of local government is
12 justified by a corresponding increase in the level of
13 services provided under the terms of the intergovernmental
14 agreement.

15 (2) The formation of the Agency shall not increase the
16 average response times in any included unit of local
17 government.

18 (3) Agencies shall have no independent ability to levy
19 taxes and shall rely on the fiscal support and
20 contributions from component fire protection
21 jurisdictions, as required under the terms of the
22 intergovernmental agreement.

23 Section 30. Judicial notice. All courts in this State shall
24 take judicial notice of the existence of any Agency organized
25 under this Act, and every such Agency shall constitute a body

1 corporate that may sue or be sued in all courts.

2 Section 35. Support. Notwithstanding any provision of this
3 Act, a Regional Fire Protection Agency may receive
4 supplementary funding, fiscal support, or other revenue or
5 property consideration from the State, including the Office of
6 the State Fire Marshal, a county, or any other unit of local
7 government, to defray the expenses of organizing a new Agency
8 or as may be deemed necessary or appropriate, and may be
9 appropriated by that entity to the Agency.

10 Section 40. Enforcement of an intergovernmental agreement.
11 In the event of a default of payment, the Agency shall be
12 authorized to secure collection of promised contributions from
13 the defaulting unit of local government by court order
14 authorizing the interception of or turning over of: (1) monies
15 deposited or to be deposited into any fund of the defaulting
16 unit of local government; or (2) grants or other revenues or
17 taxes expected to be received by the unit of local government
18 from the State, county, or federal government, including taxes
19 imposed by the governmental unit pursuant to a grant of
20 authority by the State, such as property, sales or use taxes or
21 utility taxes.

22 Any interception authorized under this Section by the
23 Agency shall be valid and binding from the time the
24 interception order is made until the defaulting unit of local

1 government has paid in full its past due obligations to the
2 Agency and has been current in its obligations to the Agency
3 for a minimum of 12 months. The revenues, monies, and other
4 funds intercepted and to be intercepted by the Agency shall
5 immediately be subject to the Agency's lien. The lien shall be
6 valid and binding against all parties having claims of any kind
7 in tort, contract, or otherwise against the defaulting unit of
8 local government, irrespective of whether such parties have
9 notice. Under any such interception, a defaulting unit of local
10 government may bind itself to impose rates, charges, or taxes
11 to the fullest extent permitted by applicable law. Any
12 ordinance, resolution, trust agreement, or other instrument by
13 which a lien is created shall be filed in the records of the
14 Agency.

15 The State Treasurer, the State Comptroller, the Department
16 of Revenue, the Department of Transportation, and any county
17 official charged with collecting and disbursing property taxes
18 shall deposit or cause to be deposited any amount of grants or
19 other revenues or taxes expected to be received by the
20 defaulting unit of local government from that official or
21 entity that has been pledged to the defaulting unit of local
22 government, directly into a designated escrow account
23 established by the Agency at a trust company or bank having
24 trust powers, unless otherwise prohibited by law. The court
25 order authorizing that disposition shall, within 10 days after
26 issuance, be filed with the official or entity with custody of

1 the garnished grants or other revenues or taxes.

2 Section 45. Initial startup.

3 (a) An Agency shall commence operations no later than 90
4 days after the date of the election unless an alternative date
5 is agreed to by the terms of the intergovernmental agreement
6 and shall operate for the purposes set forth in the
7 intergovernmental agreement. An Agency's governing body shall
8 consist of representatives designated by the governing bodies
9 of the participating units of local government as set forth in
10 this Act, and shall be considered to be formed upon approval of
11 the governing body of each member unit of local government
12 unless otherwise agreed to by the terms of the
13 intergovernmental agreement.

14 (b) The Regional Fire Protection Agency shall be governed
15 by a 5-member Board of Trustees. Each trustee shall be a
16 resident of a unit of local government within the Agency. The
17 Board shall elect a Chairperson from among its members.

18 The number of trustees from each unit of local government
19 shall be in proportion, as nearly as practicable, to the number
20 of residents of the Agency who reside in that unit of local
21 government in relation to the total population of the Agency.
22 Thereafter, each trustee shall be succeeded by a resident of
23 the same unit of local government and shall be appointed by the
24 same appointing authority. The appropriate appointing
25 authorities shall appoint 5 trustees of the Agency within 60

1 days after the entry of the order establishing the Agency. The
2 trustees shall be electors in one of the units of local
3 government of the Agency, provided that the Board shall consist
4 of at least one trustee from each unit of local government,
5 subject to the intergovernmental agreement, within the
6 Regional Fire Protection Agency. The trustees shall hold the
7 terms of office and shall have the powers and qualifications
8 that are provided for trustees under Section 4 of the Fire
9 Protection District Act.

10 In the event of a conflict between the terms of the
11 intergovernmental agreement and the powers of the trustees
12 otherwise provided by law, the terms of the intergovernmental
13 agreement shall prevail and supersede.

14 (c) The Agency shall have the power, duties, and
15 obligations of a fire protection district as otherwise provided
16 by the Fire Protection District Act, except as modified or
17 limited by the provisions of this Act or terms of the
18 intergovernmental agreement. The Agency shall develop a budget
19 funded at a level sufficient to ensure that the quality of
20 services provided to the residents of the service area within
21 the boundary of the included units of local government
22 continues at a level equal to or greater than those provided
23 prior to the modification.

24 (d) The establishment of an Agency as a separately named
25 unit of local government shall not prevent the units of local
26 government within it from identifying their historical fire

1 departments with the names of their localities. In that event,
2 local fire departments shall be described as [local name]
3 Branch of the [name of the Agency].

4 (e) Upon the formation of an Agency under this Act, the
5 fire departments of the participating units of local government
6 shall be operated under a single chain of command under the
7 leadership of one fire chief appointed by the Board of the
8 Agency. The manner in which chiefs and subordinate chief
9 officers who are redundant under the single chain of command
10 and who are eliminated or integrated into the new unified chain
11 of command shall be defined within the terms of the
12 intergovernmental agreement entered into by the parties. The
13 chiefs and other chief officers shall retain any rights they
14 may have as established by other applicable law, provided that
15 positions shall not be available to any person who is already
16 retired and receiving benefits under Article 4 of the Illinois
17 Pension Code. Any proposed reduction to a bargaining unit
18 position resulting from the abolishment of a non-bargaining
19 unit position shall be subject to compliance with the
20 bargaining rights of any affected collective bargaining
21 representative.

22 Upon taking office, the fire chief of the Agency shall
23 command all operations of the unified service area of the
24 Agency. The District shall become a body politic and corporate
25 with all the powers, rights, duties, and obligations vested in
26 it under the terms of the intergovernmental agreement and as

1 otherwise provided under the provisions of this Act.

2 (f) Upon the organization of the Agency, the duties of each
3 included unit of local government relating to the operation of
4 a fire department and emergency medical services within the
5 boundaries of the Agency shall be transferred to the Board of
6 the Agency to be exercised according to the terms of the
7 intergovernmental agreement and as otherwise provided under
8 the provisions of this Act.

9 (g) Unless otherwise agreed upon, all firefighters,
10 emergency medical services personnel, and other personnel
11 lawfully in the employment of any unit of local government
12 included in the Agency shall maintain identity with the fire
13 departments that they were serving on prior to the creation of
14 the Regional Fire Protection Agency, but shall be subject to
15 the unified chain of command established by the Board.

16 An Agency consisting of any fire department that employs
17 full-time officers or members shall be subject to Sections
18 16.01 through 16.18 of the Fire Protection District Act unless
19 the terms of the intergovernmental agreement agreed to by the
20 included units of local government and included collective
21 bargaining unit agents representing employees engaged in
22 providing fire protection or emergency medical services, or
23 both, within the Agency's service area provide otherwise.

24 (h) Contracts in effect between an exclusive bargaining
25 agent representing employees engaged in providing fire
26 protection or emergency medical services, or both, within the

1 Agency's service area and a participating unit of local
2 government shall continue according to their terms. Successor
3 contracts shall be negotiated in accordance with the provisions
4 of the Illinois Public Labor Relations Act. Upon agreement of
5 any 2 or more units of local government and corresponding
6 exclusive bargaining representatives, and approval of that
7 agreement by a majority of the members of each respective
8 bargaining unit who vote on the issue, any 2 or more bargaining
9 units may be consolidated into a single bargaining unit.

10 (i) Any unit of local government that is included in an
11 Agency shall be exempt from any reduction in the formula for
12 distribution of income tax revenues under Section 901 of the
13 Illinois Income Tax Act and personal property replacement tax
14 revenues under subsection (c) of Section 201 of the Illinois
15 Income Tax Act collected from local taxpayers by State agencies
16 and redistributed to the units of local government based on the
17 formula and laws in effect as of the effective date of this
18 amendatory Act of the 98th General Assembly.

19 Section 50. Levy of taxes; limitations; indebtedness.

20 (a) To carry out the purposes for which an Agency is
21 created, the Agency Board is empowered to take all actions
22 authorized by law and authorized under this Act for the purpose
23 of enforcing payment of any and all contributions and payments
24 required under the terms of an intergovernmental agreement
25 executed under the provisions of this Act.

1 (b) The inclusion of any unit of local government into an
2 Agency shall not affect the obligation of any contract entered
3 into by the unit of local government unless otherwise agreed
4 upon in the intergovernmental agreement. Such contracts shall
5 remain the obligation of the unit of local government that
6 incurred the obligation.

7 The inclusion of a unit of local government in an Agency
8 shall not adversely affect proceedings for the collection or
9 enforcement of any tax debt, or other obligation owed to the
10 unit of local government. The proceedings shall continue to
11 finality as if no inclusion had taken place. The proceeds
12 thereof shall be paid to the treasurer of the unit of local
13 government, subject to the terms of the intergovernmental
14 agreement.

15 All suits pending in any court on behalf of or against any
16 participating unit of local government relating to the
17 provision of fire or emergency medical services on the date
18 that the unit of local government is joined into an Agency
19 under this Act may be prosecuted or defended in the name of the
20 unit of local government unless otherwise provided in the
21 intergovernmental agreement. All judgments obtained for any
22 unit of local government joined into an Agency shall be
23 collected and enforced by the Agency for its benefit unless
24 otherwise provided in the intergovernmental agreement.

25 The intergovernmental agreement shall define ownership
26 interests and rights of each unit of local government's fire

1 department related assets and liabilities.

2 Section 55. Petition to dissolve a District; referendum.
3 The Board of an Agency established by referendum may certify
4 and submit the question of dissolution of the Agency to the
5 electors of the Agency. The Board may draft a ballot title,
6 give notice as required by the general election law, and
7 perform other duties as required to put the question before the
8 voters of the Agency for their approval or rejection as a
9 single ballot measure. The electorate consists of the voters
10 voting within the boundaries of the existing Agency. A simple
11 majority of the registered voters voting on the single ballot
12 measure is required to approve dissolution of the Agency. The
13 Agency seeking dissolution is liable for its proportionate
14 share of the costs of the election.

15 The question shall be in substantially the following form:

16 Shall the [name of Regional Fire Protection Agency] be
17 dissolved?

18 Votes shall be recorded as "Yes" or "No".

19 If a majority of the votes cast are in favor of the
20 dissolution, the assets, liabilities, obligations, and
21 personnel assigned or belonging to the Agency shall revert to
22 the component units of local government comprising or
23 contributing to the Agency, proportional to each unit of local
24 government's contribution. All such transfers and
25 reassignments shall be made in an expeditious and timely

1 manner, and no longer than 120 days after the date upon which
2 the Agency's dissolution vote was certified by local election
3 authorities.

4 Section 60. Powers; exclusive. The powers provided by this
5 Act for the creation of Regional Fire Protection Agencies do
6 not prohibit a unit of local government from entering into an
7 intergovernmental agreement to merge, consolidate, or
8 otherwise cooperate with other units of local government to
9 provide fire, rescue, or emergency medical services as
10 otherwise provided by Section 10 of Article VII of the Illinois
11 Constitution and the Illinois Intergovernmental Cooperation
12 Act. However, the powers and benefits provided by this Act for
13 the combination of fire protection or emergency medical
14 services, or both, of 2 or more units of local government shall
15 be limited to Regional Fire Protection Agencies operated
16 according to the terms of an intergovernmental agreement that
17 has been approved by referendum in accordance with this Act.
18 The terms of any intergovernmental agreement of an Agency
19 created by referendum shall supersede and control over any and
20 all other intergovernmental agreements that may exist that
21 relate to the provision of fire protection or emergency medical
22 services, or both, in geographic areas incorporated within the
23 service areas combined under the terms of a referendum-approved
24 intergovernmental agreement.

1 Section 65. Home rule. A home rule municipality may not
2 administer fire protection services or emergency medical
3 services, or both, in geographic areas incorporated within the
4 service area of an Agency in a manner that is inconsistent with
5 the terms of an intergovernmental agreement approved in
6 accordance with this Act. This Section is a limitation under
7 subsection (i) of Section 6 of Article VII of the Illinois
8 Constitution on the concurrent exercise by home rule units of
9 powers and functions exercised by the State.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.